

AFFIDAVIT OF SPECIAL AGENT RYAN P. GRIFFIN

I, Special Agent Ryan P. Griffin, depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). I have been employed as an ATF Special Agent since 2017. As an ATF Special Agent, my duties include the investigation of violations of laws related to firearms trafficking, firearm possession by prohibited persons, and the use of firearms in drug trafficking crimes. I am a graduate of the ATF National Academy and of the Federal Law Enforcement Training Center. I possess a Juris Doctor from Suffolk University Law School, as well as an undergraduate degree in Criminal Justice. I am currently assigned to Group VI in the Boston Field Division of the ATF. This group works with other federal, state, and local police departments north of the City of Boston to investigate and prosecute violations of the federal firearms, explosives, and controlled substance laws. Prior to my employment with ATF, I was employed as a Federal Air Marshal with the U.S. Department of Homeland Security for approximately 9 years; and as a Patrolman with the Groton (Massachusetts) Police Department for approximately 4 years.

2. Based on my training and experience as an ATF Special Agent, I am familiar with federal firearms and narcotics laws. In this regard, I know that it is a violation of 18 U.S.C. § 922(o) for any person to transfer or possess a machinegun. A machinegun is as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. 26 U.S.C. § 5845(b). A machinegun

is sometimes referred to as a fully automatic weapon. As set forth below, there is probable cause to believe that on October 15, 2022, Stewart SILVESTRI, born 1998, was in possession of a machinegun in Rowley, Massachusetts.

3. Because this affidavit is submitted for the limited purpose of establishing probable cause to believe that SILVESTRI was in possession of a machinegun, I have not included each and every fact known to me or other law enforcement officers involved in this investigation. Rather, I have included only those facts that I believe are necessary to establish probable cause for the issuance of the requested criminal complaint. The facts in this affidavit come from my personal observations and review of records, my training and experience, and information obtained from other agents and witnesses. All times herein are approximate.

PROBABLE CAUSE

October 15, 2022: Massachusetts State Police seized firearms from SILVESTRI

4. On October 15, 2022, at 10:39 p.m., a Massachusetts State Police (“MSP”) Trooper responded to multiple calls of an erratic driver that had pulled into a truck weigh station on Route 95 Southbound in Rowley, Massachusetts. The calls identified the make, model, and registration of the vehicle. Upon arrival, the Trooper observed the vehicle parked at the weigh station and spoke to three witnesses who had observed the erratic driving.

5. The Trooper drove towards the vehicle and learned that it was registered to SILVESTRI. When the Trooper exited his cruiser, SILVESTRI appeared from the passenger side of the vehicle. SILVESTRI informed the Trooper that he was coming from

White Birch Armory in Dover, New Hampshire and was sleepy, so he stopped. The Trooper asked SILVESTRI for his license and registration. SILVESTRI went to the driver's seat to retrieve the requested documents. When SILVESTRI opened the door, the Trooper saw a pistol with a 50-round drum magazine on the seat. SILVESTRI quickly closed the driver's side door. The Trooper re-opened the door and saw a second pistol underneath SILVESTRI. SILVESTRI appeared to be sitting on the pistols to conceal them from the Trooper. The Trooper then ordered SILVESTRI out of the car, placed him on the ground, and handcuffed him.

6. A search of the vehicle resulted in the seizure of at least eight Privately Made Firearms (“PMFs”), several hundred rounds of ammunition, and several firearm frames in various stages of manufacture. The Trooper also seized various suspected controlled substances, which will be delivered to a laboratory for confirmatory analysis. A photograph of the firearms, parts, and ammunition seized from SILVESTRI is attached:



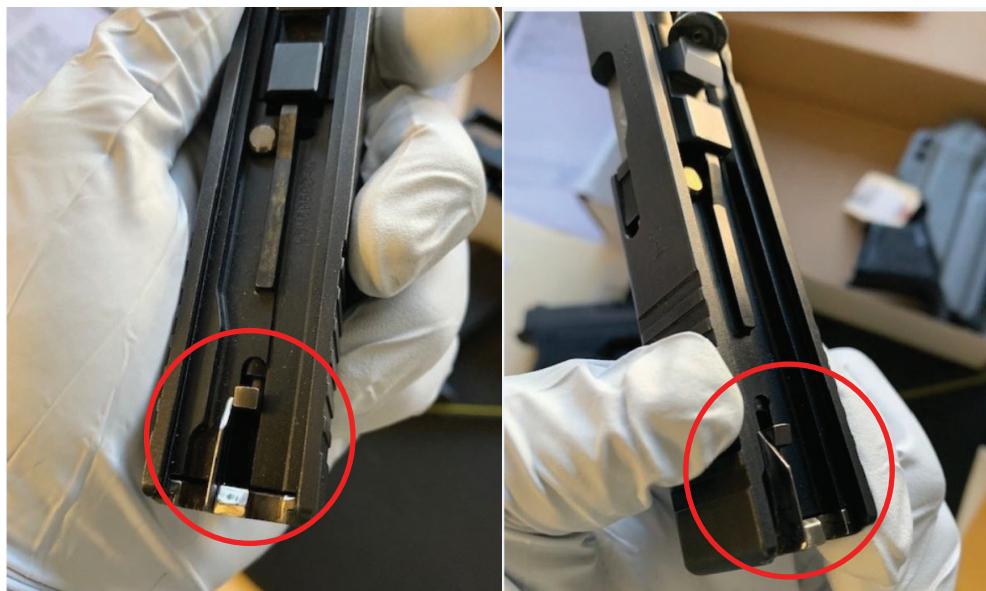
Examination of machineguns seized from SILVESTRI

7. On October 21, 2022, investigators interviewed two employees at White Birch Armory about SILVESTRI's visit. The first employee, the manager, recalled that on October 15, 2022, SILVESTRI purchased firearm parts and ammunition, and also some range time. The manager provided investigators with receipts for these purchases. The second employee, the range safety officer, recalled that SILVESTRI fired a fully automatic pistol on the firing range. That is, a pistol that expelled multiple projectiles with the single pull of the trigger. The range safety officer informed his supervisor because he had never seen a weapon like that and was shocked at the rate of fire. The range safety officer stated that when he asked SILVESTRI about the firearm, SILVESTRI appeared to get defensive and stated that it was legal.

8. On November 3, 2022, I watched video surveillance of SILVESTRI shooting at the White Birch Armory on October 15, 2022. The video depicted SILVESTRI fire a pistol that appeared to expel multiple projectiles with one pull of the trigger on three occasions. On each of these occasions, SILVESTRI appeared to be pushed back by the extreme recoil of the discharges. These three incidents were distinct from the occasions when SILVESTRI fired what appeared to be a semi-automatic weapon, expelling one projectile at a time, wherein he was able to maintain his stance.

9. On October 20, 2022, I specifically examined two of the pistols seized from SILVESTRI on October 15, 2022. Two of the pistols had auto-sears, which are metal attachments to a firearm that convert the firearm from semi-automatic to fully automatic.

These auto-sears convert the pistols to machineguns, making them capable of expelling multiple projectiles by a single pull of the trigger. I am familiar with auto-sears based on my training and experience. I have witnessed the use of an auto-sear on a fully automatic pistol. The firearms will be sent to the ATF laboratory for further examination and certification as machineguns. A photograph of the pistols, exposing the auto-sears (circled in red) are attached:



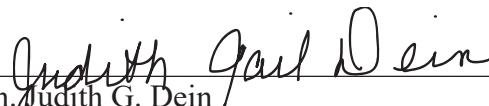
CONCLUSION

10. Based on the above, I believe probable cause exists that on or about October 15, 2022, within the District of Massachusetts, Stewart SILVESTRI, did possess at least one PMF with an auto-sear, which is a machinegun. I respectfully request that the Court issue a criminal complaint charging SILVESTRI with unlawful possession of a machinegun, in violation of 18 U.S.C. § 922(o).



Ryan P. Griffin
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

ATTESTED and SWORN to before me telephonically in accordance with the requirements of Fed. R. Crim. P. 4.1 on November 16, 2022.



Hon. Judith G. Dein
United States Magistrate Judge